

REMARKS

The application includes claims 1-40 prior to entering this amendment.

The applicants amend claims 1, 2, 4, 11, 12, 21, 22, 31, 32 and 34.

The application remains with claims 1-40 after entering this amendment.

The applicants do not add new matter and request reconsideration.

Claim Rejections - 35 U.S.C. § 103

The examiner rejected claims 1-40 under 35 U.S.C. § 103(a) over Vallstrom *et al.* (U.S. Patent Application No. 2004/0192352) in view of Angelo *et al.* (U.S. Patent Application No. 2003/0064731).

The rejection is traversed. Whereas the rejection is traversed applicants amend claims 1, 2, 11, 12, 21, 22, 31, 32 and 34 to expedite prosecution. Amended claim 1 recites, in part, a method for dynamic configuration of a mobile access point comprising:

determining a position of said mobile access point, said mobile access point operable to provide a point of connection for wireless communications between a distributed computer network and a wireless client device; and
routing data packets comprising said wireless communication, wherein said mobile access point routes said data packets between said wireless client device and said distributed computer network.

The examiner identifies the tracking device 10 of Vallstrom as allegedly disclosing the mobile access point recited by claim 1 (page 2, section 2 of the March 21, 2008 Office Action). Vallstrom's tracking device 10 is described as being "capable of bidirectional RF communications with a cellular network 12 via one or more base stations 14." (paragraph 29 lines 1-18). By the plain meaning of Vallstrom, and as shown in Figures 1 and 2, the tracking device does not provide a point of connection for wireless communications between a distributed computer network and a wireless client device, as recited by claim 1. To the contrary, the base station 14 lies between and connects the tracking device 10 to the cellular network 12.

Any routing that occurs in Vallstrom's network 12 (Figure 2) would be provided by or between SMS server 25 (Figure 2), and the Gateway Mobile Location Center 24 and Home Location Register 26 (Figure 3A) of external applications 33. The server 30 and external applications 33, "such as one or more internet/wireless applications" are identified as being separate from the tracking device 10 of Vallstrom (Figure 2, paragraph 0038). According to

Vallstrom, “there is no direct connection between the external applications 33 and the tracking device 10. All messaging, such as SMS, goes through and is mediated by the LAS 30.” (paragraph 39, lines 1-5). SMS server 25, GMLC 24 and HLR 26 are all identified as being connected to base station 14 (Figure 2), and similarly fail to disclose the mobile access point recited by claim 1.

In short, the tracking device 10 is not operable to provide a point of connection for wireless communications between a distributed computer network and a wireless client device, or to route data packets between said wireless client device and said distributed computer network. According to Vallstrom, communications within the cellular network 12 may be performed even when the tracking device 10 is turned off and inoperable (paragraph 48). This is because the tracking device 10 is not operable to provide a point of connection for wireless communications or to route data packets comprising the wireless communication.

As previously argued by applicants, the tracking device 10 of Vallstrom does not disclose the mobile access point recited by claim 1. The Examiner acknowledged this at the top of page 3 of the September 12, 2007 Office Action, where he stated, “Vallstrom fails to disclose that the mobile access point is operable to provide a point of connection for wireless communications between a distributed computer network and a wireless client device”.

Angelo also fails to disclose the mobile access point of claim 1. Angelo is directed to the use of a satellite positioning system to configure a communication capability of a communication device 112. The device 112 includes a GPS receiver to determine its location and reconfigure according to different regions of the world (Abstract). The communication device 112 is described as being a PDA, cell phone, laptop computer, etc (paragraph 0011). Applicants respectfully submit that the endpoint devices of Angelo also fail to disclose a mobile access point. Since the examiner previously acknowledged that Vallstrom fails to disclose the mobile access point (September 12, 2007), and since the examiner failed to indicate in the March 21, 2008 Office Action where either Vallstrom or Angelo disclose these features, applicants respectfully request withdrawal of the rejection of claim 1.

Claims 2-10 are believed to be allowable as depending on claim 1 and as including the further novel features recited therein. For example, amended claim 2 recites the method as recited in Claim 1 wherein said mobile access point comprises a router. The Examiner rejected previously presented claim 2 according to the explanation that the location tracking device 10 is

a router since it routes signals among different servers. Applicants respectfully disagree. The location tracking device 10 merely transmits a signal to the nearest base station 14 that happens to intercept its signal. Which server receives the signal merely depends upon which base station 14 is positioned closest to the tracking device 10. The only mention of routing made by Vallstrom is at Figure 3A which identifies a signaling event 2 of “MAP Send Routing Info for LCS” as between the GMLD 24 and the HLR 26. Tracking device 10, by contrast, is illustrated as being remote and separate from these devices 24, 26. Applicants respectfully submit that the examiner has failed to establish where Vallstrom discloses that the tracking device 10 comprises a router. Similarly, one skilled in the art would appreciate that Angelo’s communication device 112 fails to disclose a router.

By way of further example, amended claim 4 recites the method as recited in Claim 1 wherein said mobile access point is configured to use an Open Systems Interconnection (OSI) network layer to route said data packets. Vallstrom similarly fails to disclose where the tracking device 10 is configured to use an OSI network layer to route data packets rather, as previously indicated the tracking device 10 is instead described as being “capable of bidirectional RF communications with a cellular network 12 via one or more base stations 14.” (paragraph 29 lines 1-18). Applicants respectfully submit that it would not make sense to configure the tracking device 10 to use OSI network layer to route data packets, since the tracking device 10 simply communicates to the nearest base station 14. Furthermore, Vallstrom does not disclose where the tracking device 10 is configured to do so.

Accordingly, withdrawal of the rejection of claims 2-10 is respectfully requested.

Claim 11 is amended to recite the features of previously presented claim 12. Therefore claim 11 is amended to include the same features as previously examined claim 12 such that the amendment of claim 11 would not necessitate a further patent search or new grounds for rejection. Amended claim 11 recites, in part, a mobile access point comprising:

a processor for updating configuration information in response to a geographic position wherein said configuration information includes an updated radio frequency for transmitting wireless communications between a distributed computer network and a wireless client device for said mobile access point within a region;

a transceiver coupled to said processor, said transceiver associated with said configuration information and communicatively coupled to a distributed

computer network over a wireless connection, said mobile access point operable to provide a point of connection for wireless communications between said distributed computer network and said wireless client device over said wireless connection, wherein said mobile access point is further operable to provide routing capability for routing data packets from said wireless client device to said distributed network.

In rejecting claim 11, the examiner acknowledged that Vallstrom fails to disclose a mobile access point operable to provide a point of connection for wireless communications between said distributed computer network and said wireless client device over said wireless connection. Instead, the examiner identified claim 19 of Angelo as allegedly disclosing these features. Claim 19 of Angelo recites that the communication device 112 of claim 1 is a laptop computer. Applicants respectfully submit that regardless of whether the communication device 112 is a laptop computer, cell phone or other type of endpoint device, it still fails to disclose the mobile access point of claim 11. Communications with other wireless devices would presumably be provided via a remote server, much as described in Vallstrom. One skilled in the art would appreciate that any routing capability would accordingly be provided external to, and separate from, the communication device 112.

Claims 11-40 are believed to be allowable for similar reasons as provided above with respect to claim 1-10, in addition to the further novel features recited therein. Accordingly, applicants respectfully request withdrawal of claims 11-40.

Any statements made by examiner that are not addressed by applicants do not necessarily constitute agreement by the applicants. In some cases the applicants may have amended or argued the allowability of independent claims thereby obviating grounds for rejection of the dependent claims.

Conclusion

For the foregoing reasons, the applicants request reconsideration and allowance of claims 1-40. The applicants encourage the examiner to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP


Bryan D. Kirkpatrick
Bryan D. Kirkpatrick
Reg. No. 53,135

STOLOWITZ FORD COWGER LLP
621 SW Morrison Street, Suite 600
Portland, OR 97205
(503) 224-2170